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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) No. CR 09-00643 SBA
Plaintiff,) STIPULATION AND ORDER
v.) CONTINUING STATUS CONFERENCE
HIRUY AMANUEL, and) AND EXCLUDING TIME
ERIK HARDING,)
Defendants.)

Plaintiff, by and through its attorney of record, and defendants, by and through their attorneys of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 9 a.m. on Tuesday, October 13, 2009.

2. The parties request that this hearing be continued until 9 a.m. on Tuesday, October 27, 2009, in order to provide defendants' counsel with additional time to evaluate the evidence in this case and determine whether or not defendants should enter a change of plea or file motions and to prepare for trial in this matter.

**STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME**

3. Specifically, defendants' counsel needs the continuance in order to review proposed plea agreements, review discovery, to schedule and conduct a meeting with the government to physically examine evidence seized (for defendant Amanuel's counsel), to review and analyze the discovery materials produced, investigate the case, and develop a motions and/or trial strategy in light of that discovery. The parties believe that failure to grant the above-requested continuance would deny defendants' counsel and defendants the reasonable time necessary for effective preparation taking into account the exercise of due diligence and that the ends of justice served by continuing the case as requested outweigh the interest of the public and defendant in a trial within the date prescribed by the Speedy Trial Act.

4. Thus, the parties respectfully request that the Court find that the time period from October 13, 2009, to October 27, 2009, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendants' request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

IT IS SO STIPULATED.

JOSEPH P. RUSSONIELLO
United States Attorney

Dated: October 9, 2009

/s/
GARTH HIRE
Assistant United States Attorney
Attorney for United States of America

Dated: October 9, 2009

/s/
DIANA WEISS, ESQ.

Dated: October 9, 2009

/s/
MARTHA BOERSCH, ESQ.

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled October 13, 2009, status conference hearing is vacated.

A status conference hearing is now scheduled for 9:00 a.m. on October 27, 2009.

2. The time period from October 13, 2009, to October 27, 2009, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendants' request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

DATED: 10/13/09

HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE